

AMENDED IN SENATE APRIL 19, 2012

**SENATE BILL**

**No. 1423**

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**Introduced by Senator Hernandez**

February 24, 2012

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An act to amend Section 52059 of the Education Code, relating to public school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1423, as amended, Hernandez. Public school accountability: statewide system of school support: English learners.

Existing law requires the State Department of Education, for purposes of complying with the federal No Child Left Behind Act of 2001, to establish a statewide system of school support to provide a statewide system of intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement. Existing law requires the regional consortia comprising the system to work collaboratively with, and provide technical assistance to, school districts and schools in need of improvement by doing specified tasks, including assisting the local educational agency or school in developing recommendations for improving pupil performance and school operations.

This bill would additionally require that regional consortia to assist a local educational agency or school in efforts to provide ~~a full curriculum~~ *the same course options* to English learners *enrolled in the school as are available to other pupils at the same school*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 52059 of the Education Code is amended to read:

52059. (a) For purposes of complying with the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a statewide system of school support shall be established by the department to provide a statewide system of intensive and sustained support and technical assistance for school districts, county offices of education, and schools in need of improvement. The system shall consist of regional consortia as well as district assistance and intervention teams and other technical assistance providers.

(b) The regional consortia shall work collaboratively with, and provide technical assistance to, school districts and schools in need of improvement by doing the following:

(1) Reviewing and analyzing all facets of the operation of a local educational agency or school, including the following:

(A) The design and operation of the instructional program offered by the local educational agency or school.

(B) The recruitment, hiring, and retention of principals, teachers, and other staff, including vacancy issues. The regional consortia may request the assistance of the Fiscal Crisis and Management Assistance Team to review school district or school recruitment, hiring, and retention practices.

(C) The roles and responsibilities of district and school management personnel.

(2) Assisting the local educational agency or school in developing recommendations for improving pupil performance and school operations.

(3) Assisting the local educational agency or school in efforts to eliminate misassignments of certificated personnel.

(4) Assisting the local educational agency or school in efforts to provide ~~a full curriculum~~ *the same course options* to English learners *enrolled in the school as are available to other pupils at the same school.*

(c) For purposes of performing the functions specified in subdivision (b), funds for the regional consortia shall be distributed based on the number of Title I schools, the pupil enrollment in those schools, and the number of school districts in each region

1 that have been identified as being in need of improvement pursuant  
2 to Section 6316 of Title 20 of the United States Code.

3 (d) The regional consortia shall ensure that support is provided  
4 in the following order of priority:

5 (1) To school districts or county offices of education with  
6 schools that are subject to corrective action under Section  
7 6316(b)(7) of Title 20 of the United States Code.

8 (2) To school districts or county offices of education with  
9 schools that are identified as being in need of improvement  
10 pursuant to Section 6316(b) of Title 20 of the United States Code.

11 (3) To provide support and assistance to school districts and  
12 county offices of education with schools participating under the  
13 federal No Child Left Behind Act of 2001 that need support and  
14 assistance to achieve the purposes of that act.

15 (4) To provide support and assistance to other school districts  
16 and county offices of education with schools participating in a  
17 program carried out under this chapter.

18 (e) In accordance with paragraph (4) of subdivision (d) of  
19 Section 52055.57, the Superintendent may recommend, and the  
20 state board may approve, that a local educational agency that has  
21 been identified for corrective action under the federal No Child  
22 Left Behind Act of 2001 contract with a district assistance and  
23 intervention team or other technical assistance provider to receive  
24 technical assistance, including, but not limited to, a needs  
25 assessment of the local educational agency.

26 (1) The Superintendent shall develop, and the state board shall  
27 approve, standards and criteria to be applied by a district assistance  
28 and intervention team or other technical assistance provider in  
29 carrying out its duties. The standards and criteria that a district  
30 assistance and intervention team or other technical assistance  
31 provider shall use in assessing a local educational agency shall  
32 address, at a minimum, all of the following areas:

33 (A) Governance.

34 (B) Alignment of curriculum, instruction, and assessments to  
35 state standards.

36 (C) Fiscal operations.

37 (D) Parent and community involvement.

38 (E) Human resources.

39 (F) Data systems and achievement monitoring.

40 (G) Professional development.

(2) Not later than 120 days after the assignment of a district assistance and intervention team or other technical assistance provider, or the next regularly scheduled meeting of the state board following the expiration of the 120 days, the team shall complete a report based on the findings from the needs assessment performed pursuant to paragraph (1). The report shall include, at a minimum, recommendations for improving the areas specified in paragraph (1) that are found to need improvement. The report also shall address the manner in which existing resources should be redirected to ensure that the recommendations can be implemented.

(3) Not later than 30 days after completion of the report specified in paragraph (2), the governing board of the local educational agency may submit an appeal to the Superintendent to be exempted from implementing one or more of the recommendations made in the report. The Superintendent, with approval of the state board, may exempt the local educational agency from complying with one or more of the recommendations made in the report.

(4) Not later than 60 days after completion of the report, the governing board of the local educational agency shall adopt the report recommendations described in paragraph (2), as modified by any exemptions granted by the Superintendent under paragraph (3), at a regularly scheduled meeting of the governing board.

(f) A local educational agency that is required to contract with a district assistance and intervention team or other technical assistance provider pursuant to this section shall reserve funding provided under subdivision (d) of Section 52055.57 to cover the entire cost of the team or other technical assistance provider before using that funding for other reform activities.

(g) Upon an evidence-based finding that a district assistance and intervention team or other technical assistance provider has not fulfilled its legal obligations pursuant to this section, the Superintendent, with the approval of the state board, may remove the district assistance and intervention team or other technical assistance provider from the state list of eligible providers.

(h) The provisions of this section are declarative of technical assistance requirements under the federal No Child Left Behind Act of 2001 outlined in Section 6316(b) and (c) and Section 6317(a) of Title 20 of the United States Code.

- 1 (i) For purposes of this article, all references to schools shall
- 2 include charter schools.

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